

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER EDWARD FERGUSON,
Plaintiff(s),
v.
CHAD BAKER, et al.,
Defendant(s).

Case No.: 2:16-cv-01525-APG-NJK

ORDER

(Docket No. 70)

Pending before the Court is Plaintiff's motion in opposition to Docket No. 68, a notice regarding intention to dismiss pursuant to Fed.R.Civ.P. 4(m). Docket No. 70.¹ Plaintiff requests that the Court "amend the summons" issued for Defendant Garcia to reflect his full name, Miguel Garcia, as stated in Plaintiff's proposed third amended complaint, and to serve Plaintiff's proposed third amended complaint "on all affected parties[.]" *Id.* at 4.

On June 5, 2020, the Court denied without prejudice Plaintiff's motion for leave to file a third amended complaint. Docket No. 80. Therefore, the operative complaint remains Plaintiff's second amended complaint at Docket No. 10. Because Plaintiff now knows Defendant's full name, and only recently learned it, *see* Docket No. 70 at 2, the Court will allow Plaintiff to again try to properly effect service on him.

Accordingly, the Court **GRANTS** Plaintiff's motion. Docket No. 70. The Court **INSTRUCTS** the Clerk of Court to (1) issue a summons for Defendant, Miguel Garcia, and deliver the same to the U.S. Marshal for service; (2) send Plaintiff a USM-285; and (3) send a copy of the second amended complaint, Docket No. 10, and a copy of this order to the U.S. Marshal for service on Defendant.

¹ The Court has also considered Plaintiff's supplement at Docket No. 71 and second response at Docket No. 72.

1 The Court **ORDERS** that, no later than July 8, 2020, Plaintiff must furnish to the U.S.
2 Marshal the required USM-285 with relevant information as to Defendant. If Plaintiff furnishes
3 that document to the U.S. Marshal by July 8, 2020, the U.S. Marshal shall then attempt to serve
4 Defendant.

5 The Court further **ORDERS** that Plaintiff must file a notice with the Court identifying
6 whether Defendant was served within twenty days after receiving from the U.S. Marshal a copy
7 of the USM-285 showing whether service was accomplished. If service was not accomplished and
8 Plaintiff wishes to have service again attempted on Defendant, Plaintiff must file a separate motion
9 with the Court specifying a more detailed name or address for Defendant, or whether some other
10 manner of service should be attempted.

11 **Failure to comply with this order will result in the recommended dismissal of this**
12 **case.**

13 IT IS SO ORDERED.

14 Dated: June 11, 2020

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16 Nancy J. Koppe
17 United States Magistrate Judge
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